UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Case No. '08 MJ 0845
v.	COMPLAINT FOR VIOLATION OF:
Jose Antonio CENDEJAS-Castro Defendant.	Title 8, U.S.C., Section 1326; Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about, **March 12, 2008,** within the Southern District of California, defendant, **Jose Antonio CENDEJAS-Castro** an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Deportation Officer
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **18th** DAY OF **March 2008.**

UNITED STATES MAGISTRATE JUDGE

AUSA YS

PROBABLE CAUSE STATEMENT

On March 12, 2008, at approximately 2:05 AM , the defendant identified as Jose Antonio CENDEJAS-Castro, was arrested in Calipatria, California, by Imperial County Sheriff's Office for several outstanding warrants: Code Sections PC166.4 Failure to Appear; PC1203.2 Violation of Probation; VC14601(A) Driving on Suspended Licensed; and in violations of the Health and Safety Code of California HS11377(A) Possession of Controlled Substance: Methamphetamine; HS11364 (A) Possession of Drug Paraphernalia; HS11550 Under the Influence of a Controlled Substance and he was booked into Imperial County Jail.

On Wednesday, March 12, 2008, an Immigration Enforcement Agent with Immigration and Customs Enforcement (ICE) determined the defendant to be a citizen and national of Mexico. An Immigration Detainer (I-247) was placed pending his release from County custody. On Monday, March 17, 2008, at approximately 9:30 a.m. the defendant was referred to the custody of the United States Immigration and Customs Enforcement (ICE) in Imperial, California, and was transported to the ICE Field Office in San Diego, California. An Immigration Enforcement Agent reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen and national of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks revealed that the defendant was last ordered removed by an Immigration Judge on or about December 12, 2005 and removed on June 21, 2006, via the Laredo Port of Entry, at Laredo, Texas. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System (IDENT) was utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed the defendant's identity as Jose Antonio CENDEJAS-Castro, a citizen and national of Mexico.